

Remarks

Reconsideration and allowance of the present application in view of the following remarks and amendments is respectfully requested.

Status of Claim 60

The Applicants wish to clarify the current disposition of Claim 60. In the Amendment filed April 6, 2004, the Applicants recounted the previous prosecution of Claims 1-62 as follows. The original application included Claims 1-62 which were subject to restriction of inventions and election of species requirements. The Applicants restricted the present application to Group II, corresponding to Claims 31-60, and elected Claims 46-49 and 56-59 as a species of generic Claims 31-33 and 37-40. Therefore, Claims 31-33, 37-40, 46-49, 56-59, and 60 should remain under active examination, with Claims 1-30 and 61-62 canceled as a result of the restriction requirement, and Claims 34-36, 41-45, and 50-55 withdrawn as being drawn to an un-elected species.

In response to the Amendment filed April 6, 2004, the Final Office Action mailed June 28, 2004 indicates that Claims 31-60 are pending in the application, without identifying withdrawn claims. However, the Advisory Action mailed December 21, 2004 again indicates that Claim 60 is withdrawn from consideration. The Applicants agree that Claims 34-36, 41-45, and 50-55 are properly withdrawn; however, the Applicants' believe that Claim 60 should remain under active examination.

New Matter Rejection

In the Final Office Action mailed June 28, 2004, the Examiner objected to the Amendment filed April 6, 2004 as containing new matter. In the Amendment filed

September 28, 2004, the Applicants identified specific portions of the specification that describe and enable the referenced claim limitations. In the Advisory Action mailed December 21, 2004, the Examiner maintained the new matter objection to the limitation that the single-phase membrane is "substantially non-porous" as recited in Claims 31 and 60.

The undersigned thanks the Examiner for the telephone interview on January 4, 2005. During that telephone interview, the undersigned referred the Examiner to paragraphs [0172] and [0182] (previously identified in the Amendment filed April 6, 2004, p. 9) as describing and enabling the "substantially non-porous" membrane limitation to one of ordinary skill in the art. The Examiner indicated that she would need to consider this reference further. Therefore, the Applicants respectfully request reconsideration and withdrawal of the remaining new matter objection.

In addition, the Applicants have re-written previously presented Claims 31-60 as new Claims 63-92 to delete the "substantially non-porous" limitation. The resulting heterogeneous membrane in both Oka '603 and Maletin '549 is not a single-phase structure, as recited in all of the pending claims. Therefore, the Applicants believe it is not necessary to limit the present invention to a "substantially non-porous" membrane to patentably define the present invention over the prior art.

For at least the reasons set forth above, the Applicants respectfully submit that all pending claims are now allowable, including previously withdrawn Claims 34-36, 41-45, and 50-55. Should any issues remain after consideration of this Amendment, then Examiner Chaney is invited and encouraged to telephone the undersigned at her convenience.

Respectfully submitted,

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